Crl. Misc.No.71800-M of 2006

...

Banwari Lal Vs. Haryana State Pollution Control Board and another

...

Present : Mr. I.D. Singla, Advocate for the petitioner.

...

Prayer in this petition is for quashing of complaint Annexure P-2, as well as bailable warrants issued against the petitioner for 30.11.2006.

Counsel for the petitioner contends that the petitioner transferred his lease of the mine, in favour of Ashok Bhasin and Company in the year 1996. It is contended that as the petitioner had no connection with the mine, he has been wrongly summoned.

I have heard learned counsel for the petitioner and perused the paper book.

The fact whether the petitioner ceased to be a lessee or not, is a question of fact, which can only be determined by the trial Court, on the basis of evidence, adduced by the parties. Even otherwise, the allegations in the present petition are, with respect to illegal mining and not legal mining. Consequently, the present petition is dismissed, with liberty to the petitioner, to raise all the pleas raised herein, before the trial Court, at an appropriate stage.

16.11.2006 (RAJIVE BHALLA)
GS JUDGE